

**Minutes  
Newton Planning Commission  
September 28, 2004  
Council Chambers  
City Hall**

The regular meeting of the Newton Planning Commission was held at 7:30 p.m. on September 28, 2004 in the Council Chambers at City Hall.

**Members**

**Present:** Brevard Arndt  
Gary Corne  
Kent Elliott  
Stan Gabriel  
Clinton Sigmon  
Ken Simmons  
Stan Winstead

**Members**

**Absent:** None

**Staff**

**Present:** Glenn Pattishall, AICP Planning Director  
Alex Fulbright, AICP Planner

**Others:** Dent Allison  
Ken Johnson  
Mark Stoneacre  
Ken Spencer  
Bud Reilly

**Chairman Arndt** called the meeting to order.

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**Item 2: Approval of Minutes August 24, 2004 Meeting**

**Chairman Arndt** asked for consideration of the minutes as presented. There being no corrections, he ruled that the minutes were approved as presented.

**Item 3: Public Hearings**

**Chairman Arndt** called to order a Public Hearing as scheduled and advertised on Text Amendment #2004-03 as filed by SK8 Enterprises, LLC. He recognized Mr. Fulbright for presentation. **Mr. Fulbright** read from his September 22, 2004 memo to the Planning Commission. He stated that SK8 Enterprises, LLC was seeking to amend Article 4, Section 26-14.11 of the Zoning Ordinance to allow uses that were permitted as special uses in the M-1 and EM-1 districts as uses by right in the Planned Development Industrial Park Districts. Mr. Fulbright reviewed the proposed amendment, explained that special uses which were allowed in the M-1 and EM-1 districts would be allowed as uses by right in the Planned Development Industrial Districts, thus avoiding the need to have a public hearing. It also gives the staff the opportunity to not allow uses that would not be compatible with surrounding zoning and development of a particular site. He

stated that the amendment will enable SK8 Enterprises to build their ice skating facility in a PD-IP zoning district. Mr. Fulbright stated that other special uses would be permitted as a result of the text amendment but after review it was the staff's opinion that none of those posed any potential problems under the proposed ordinance.

**Mr. Arndt** said that the Planning Commission has discussed this many times and questioned if all the Planning Commission understood what was being proposed and if there was any opposition. **Ken Johnson** stated he was a part of the SK8 group and thanked the Planning Commission and staff for working on the text amendment and all of their assistance, that the project is moving forward and would enhance the community.

With no further discussion, **Chairman Arndt** closed the public hearing. Motion was made by **Mr. Corne**, seconded by **Mr. Winstead**, unanimously approved that the proposed ordinance be recommended for approval to the City Council.

**Chairman Arndt** called to order a Public Hearing as scheduled and advertised on the Eastside Area Specific Plan. He recognized Mr. Fulbright. **Mr. Fulbright** made introductory comments and stated that the staff had met with the property owners on September 16 to evaluate the Plan as it affected their particular parcels.

He explained the purpose of the Plan and made a presentation using PowerPoint. He covered transportation, utilities, land use, environment, community character and government. He said the intent was to provide guidance to the Planning Commission, City Council and citizens for future land use decisions.

**Chairman Arndt** thanked Mr. Fulbright for his presentation and asked if there was anyone in the audience who wanted to speak. **Dent Allison** stated he was a developer of Farmington Hills and Mayfair Subdivisions and thanked the Planning staff for meeting with him and discussing the issues prior to the meeting. He stated that he had concerns about the proposed stream buffers of 30 feet. He felt that was too wide and did not think it was defensible. He said that 10 feet was adequate and would accept a revision that the buffers be reduced to 20 feet in width.

**Mr. Allison** spoke with regard to retention of vegetation. He suggested that the Planning Commission consider removing wording that said "to the fullest extent possible on development sites", expressing concern that environmentalists may hold developers and the City responsible for removal of vegetation which would be necessary for development purposes. He said he also had a concern about the requirement for sidewalks on both sides of streets. He said it would force people to pay more for land. He suggested that requiring sidewalks on just one side would serve the purposes intended and he also suggested that the width of the sidewalks be reduced from the existing five feet to three feet in width. He said his concerns were that the recommendations of the Plan add incremental costs to development and it would cost more in terms of housing prices for prospective purchasers. He said the Planning Commission needed to give developers flexibility on forested areas. He said these were expensive requirements that could affect the housing affordability.

**Mr. Corne** asked Mr. Allison to speak about street connectivity. **Mr. Allison** responded that streams usually stop and there is a need for crossings in order to have connectivity between neighborhoods and he questioned who would pay for the crossings. He said it was very expensive, depending on how wide the channel was. He said it was a good concept, just very expensive to cross streams.

**Kent Elliott** questioned Mr. Allison about his feelings for a four foot sidewalk. **Mr. Allison** said three foot was better, ADA only requires 36 inches in width, but within 200 foot intervals, there must be a five foot width for wheelchair passing. He said this would add incrementally to housing costs.

**Mark Stoneacre** said that he lived near the Loop currently under construction and that he had moved into his home at the time it was in a rural area. He was concerned that the developers will pass costs on but he was also concerned that the sidewalks would not be provided within developments.

**Mr. Corne** said that the Planning Commission tried to consider the nature of existing development and that the Plan tried to respect existing neighborhoods and developments, but that the Planning Commission wanted to encourage quality housing and needed to reduce the amount of manufactured homes zoning in the area and encourage other types of affordable housing. He mentioned the impact of air quality regulations on the receipt of Transportation Funds. He said that there is a need to decrease use of automobiles, provide non-vehicular opportunities. He said sidewalks is just one alternative to automobiles and they would provide linkages to shopping centers and other neighborhoods and places of employment and that this could cut down on the number of vehicle miles traveled. He said he felt that Mr. Allison had good comments about the impacts on development costs and affordability. He said that in his opinion 10-20 foot stream buffers seemed to be okay but there need to be regulations that will protect water quality. He said the Planning Commission should do what is cost effective but at the same time be effective.

**Mr. Stoneacre** said he did not feel that costs should drive all decisions.

**Chairman Arndt** said that neither the Planning Commission nor the City Council had determined how wide these buffers would be or their standards, that would come later, once the Plan was adopted.

**Mr. Corne** said the goal was to develop regulations that would be flexible and reasonable which could accomplish the stated plan objective.

**Mr. Ken Spencer** said he lives off of Mt. Olive Church Road. He has land for development and he felt that 30 foot stream buffers would be too excessive on his property and would take almost an acre of his land if he was to develop it. He suggested 10-15 foot width buffers so that less land would be restricted.

**Mr. Allison** suggested that existing development should be grandfathered on stream buffers.

**Mr. Corne** questioned why 30 foot buffers. **Mr. Fulbright** responded that it was a balance from the extremes, that the Division of Water Quality had looked at 50 foot buffers and that developers didn't want any buffers. He stated that after review of material on buffers, the staff felt that a 30 foot buffer was a good compromise and could be supported and seemed reasonable between the extremes. He suggested leaving the width out of the Plan recommendation wording and deal with that when the regulations are written.

**Mr. Corne** suggested flexible wording that would address topography and slopes.

**Mr. Arndt** said that he agreed that the width should be removed from the recommendations and the Plan.

**Mr. Winstead** said that he had a personal issue with affordability being dictated by developers. He felt that purchasers of lots or housing, if asked, would feel that stream buffers were desirable and the same with sidewalks. He said the Planning Commission shouldn't think that just giving people what they need and nothing else was acceptable. He said it was a Planning Commission's responsibility to provide what people deserved not what they can afford such as sidewalks, buffers, etc. He said that housing can be affordable with those types of amenities and it would be a shame only to consider costs and not the benefits. He said that quality of life issues should play into our planning, we shouldn't settle for the least costs.

**Mr. Corne** said that people buy homes because of the amenities such as sidewalks and should have the opportunity to make that decision or choice.

**Mr. Allison** said he had no problem with the amenities but that 70% of the market buy up to \$130,000 homes. He said that reducing mobile home zoning should be supported by factors that keep homes affordable. He said the State said that curb and gutter should not be required. He said they had recommended that swales be provided in developments and that because of Phase II Stormwater regulations; curbs and gutters would contribute to the degradation of water quality.

**Kent Elliott** said that some people buy based on monthly payments, not housing costs. He said that sidewalks may add \$2-\$3 a month more on to their mortgage costs and that over the lifecycle of a mortgage payment; people would not have a problem paying that. He said amenities do add costs but are not so substantial that they would prohibit people from making decisions about buying homes.

**Ken Simmons** said that he moved into town because his wife wanted sidewalks.

**Stan Winstead** said we need to give people a choice on amenities.

**Mark Stoneacre** said that the issue seemed to be torn out of context and was absurd. He said it really wasn't an affordability issue but much more of a desirability and quality of life issue.

**Mr. Corne** said that the goal should be high quality.

**Mr. Elliott** said sidewalks are beneficial and aesthetically pleasing. He said connectivity is important and will cost more but will be worth it in the long run.

**Mr. Corne** said people in his neighborhood and other areas would be willing to pay to get sidewalks. He said it was a quality of life issue that people do not want to walk in the street.

**Bud Reilly** referred to Map #2 in the Plan. He said that he lived on McRee Road. He said his concern was that property which he owned was north of McRee Road and that it should remain residential for protection between his property and the adjoining property on the north side of McRee Road which is owned by Snyder Paper Corporation. He said he also questioned the location of the proposed extension to West A Street. He said he would like for it to be moved further to the north since it was not right at his front door. He said he would prefer that the road be moved north away from his house.

**Mr. Fulbright** said the proposed placement was a result of a meeting with NCDOT engineers. They looked at the topography as well as the Loop alignment. He said McRee Road is an existing intersection, that NCDOT wanted to use it and not have another intersection. He mentioned that A Street may be able to be moved north as requested and the staff would look into this.

**Kent Elliott** questioned could we make concessions by allowing density bonuses in exchange for sidewalks on both sides. **Mr. Allison** suggested he would be in favor of that.

**Stan Gabriel** said that he felt people on A Street must be satisfied because of their lack of presence at the meeting tonight.

**Mr. Fulbright** explained that East A Street as it affects the existing portion of town has been on the Plan since 1986. He said the extension as proposed would require a Public Hearing to amend the Plan. He said the staff didn't send any notices to property owners for the existing section of East A Street.

**Bud Reilly** expressed concern that the proposed A Street would narrow down and that homes would be close to the street.

**Mr. Arndt** asked if there were any further questions or comments. There being none, he closed the public hearing. He said that the Planning Commission needed to resolve the issues and asked for comment.

**Mr. Corne** asked the staff to propose acceptable language that would give flexibility but would be reasonable in terms of stream buffers. **Mr. Elliott** made a motion to review the Plans on aesthetics without discouraging developers and also review stream buffers. **Mr. Corne** said the issue would be flexibility for staff. **Mr. Arndt** said that stream buffers, sidewalks and relocating East A Street seemed to be the main issues and requested that the staff revise stream buffer language, amend the map for East A Street, and post the changes on the website, and notify Mr. Allison and Mr. Reilly of the changes. He then stated that the Planning Commission would vote at its October meeting on recommendations of the Plan.

**Mr. Winstead** thanked the persons who were attending. **Mr. Arndt** thanked the persons who were attending and explained that the Planning Commission wants to encourage a high quality of life in the future for the Eastside Area.

**Item 4: Old Business**

There was none.

**Item 5: New Business**

There was none.

**Item 6: Reports**

**Mr. Pattishall** reviewed the Permit Report and the Code Enforcement Report for the month of August, 2004.

**Item 7: Adjournment**

With no further discussion, meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Glenn J. Pattishall/AICP  
Secretary

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